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ELKHART, INDIANA 46516 • MUNICIPAL BUILDING, 229 SO. SECOND STREET • (219) 294-5471

LEGAL DEPARTMENT

Gary D. Boyn, Corporation Counsel
David T. Stutsman, City Attorney
Darrell J. Watt, City Attorney
William J. Nye, City Attorney

ELEANOR KESIM, Mayor

November 15, 1983

Mr. Jack Cittadine
405 South 2nd Street
Elkhart, IN 46516

and

Mr. Robert T. Sanders, III
410 Communicana Bldg.
Elkhart, IN 46516

RE: City of Elkhart - Durakool and Excel

Gentlemen:

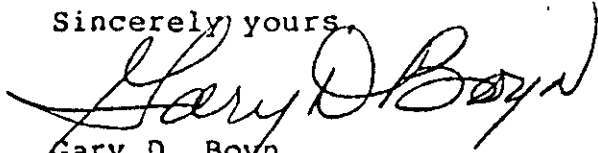
Since the TCE contamination was discovered at the South Main water field the City has installed and operated interceptor wells to block the amount of contamination entering the well field. We have been operating those wells since August 15, 1982 and the total cost to the City thus far has been \$112,823.49.

It has been determined that the contamination site is on properties owned by Excel and Durakool. It is our opinion and position that your client's liability covers not only clean up and decontamination of the area, but also reimbursement to the City for the loss and damage resulting from said contamination, which includes the cost of installation and operation of the interceptor wells from the date they were initiated until the date they are put out of service.

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Please advise me immediately as to your client's respective position on the above. This is a matter that must be determined in conjunction with final resolution as to clean up.

Sincerely yours,



Gary D. Boyn
Corporation Counsel

GDB/lm

cc: Water Works Board
Board of Public Works and Safety
Mayor Eleanor Kesim
Mike Terlep